



Philippe has a broad and international practice specialising in commercial, public, mixed civil (including property) and employment disputes.

He has a particular interest in commercial matters with an international dimension (including arbitration, civil fraud, energy, construction, banking, insolvency, jurisdiction and choice of law and insurance disputes) and cases at the intersection of private and public law (in particular procurement and Human Rights Act damages claims). This builds on his international background, growing up in Switzerland and Sri Lanka, before reading law at the LSE and Oxford and qualifying as a barrister in England.

Current instructions as junior counsel include multiple Commercial Court and Chancery Division civil fraud, arbitration enforcement, banking and contractual damages claims and work for the Infected Blood Inquiry. As sole counsel, Philippe regularly appears in and advises on a range of commercial, personal injury, construction, travel-related and property disputes, including in specialist lists.

Prior to joining Chambers, Philippe was a Judicial Assistant at the Supreme Court of the United Kingdom (2018/19), assigned to Lord Briggs, Lord Sumption and Lord Sales, and pupil barrister at 11KBW (2017/18). Relevant experience includes assisting in the Bank Mellat A1P1 ECHR damages litigation arising out of asset freezing orders against an Iranian bank and Vedanta Resources PLC v Lungowe [2019] UKSC 20 concerning jurisdiction issues in a mass tort claim by Zambian nationals.

Philippe is a native English and German speaker. He also speaks intermediate French and Sinhala.

PRACTICE AREAS

- Commercial, Construction & International Arbitration
- Public & Regulatory
- Civil Liability & Property
- Employment

PRACTICE AREAS

COMMERCIAL, CONSTRUCTION & INTERNATIONAL ARBITRATION

Philippe's commercial and construction practice covers a wide range of sectors, from civil fraud, international arbitration, oil and gas, energy, aviation, insolvency, insurance, technology and banking & financial services to residential and commercial property.

He is currently instructed as junior counsel in a high-value civil fraud claim in the High Court (Chancery Division) having successfully obtained a worldwide freezing injunction, a substantial cross-border banking guarantee dispute in the Chancery Division and a Commercial Court international commercial arbitration enforcement. Other notable ongoing instructions include:

- A success fees claim in the FinTech sector in the Commercial Court (as junior counsel).
- Advisory work on force majeure events in a contentious dispute in the energy sector (as junior counsel).
- Advising on transactions at undervalue and set-off in a cross-border insolvency involving Russian, Lithuanian and Bermudian parties (as sole counsel).
- A bio-diesel supply defect claim in the Central London County Court (TCC List) (as sole counsel).

Philippe regularly appears as sole counsel in commercial and construction disputes, including in specialist lists in the County Court. Recent examples include commercial lease, subsidence damages and IT support services claims.

Philippe also has a particular interest in jurisdiction and choice of law issues in international commercial litigation and arbitration including joint instructions with James Ramsden QC and Marion Smith QC. This builds on his specialisms in English commercial law and private international law at the University of Oxford (during the BCL) and his experience at the Supreme Court assisting in the leading case of *Vedanta Resources PLC v Lungowe* [2019] UKSC 20 concerning jurisdiction issues in a mass tort claim brought by Zambian nationals.

In the construction context, Philippe is junior counsel in an ongoing energy dispute, has acted in an adjudication against an insolvent counter-party (led by Marion Smith QC), assisted in a recent high-value expert determination and is co-author of the chapter on construction professionals in *Wilmot-Smith on Construction Contracts* (3rd edition, forthcoming) (with Patrick Hennessey). He is also co-author of 'Adjudications brought by insolvent companies – An exercise in (f)utility?' (2020) 31(8) *Construction Law* 24-26 (with Marion Smith QC and David Sawtell).

A further area in which Philippe has experience is advising on complex litigation funding agreements in the context of cross-border proceedings.

During his pupillage at Chambers, Philippe was supervised by Marion Smith QC and Samar Abbas. Notable matters included:

- Contested arbitration enforcement proceedings in the Commercial Court concerning ICC awards in a Swiss-seated arbitration between Chinese and German parties.
- A Hong Kong construction arbitration raising issues as to scope of duty, damage to non-parties and

limitation.

- A high-end TCC residential property damages claim (successfully settled by mediation).

While at the Supreme Court, Philippe assisted on a number of significant commercial and commercial chancery appeals including:

- *Sevilleja v Marex Financial Ltd* [2020] UKSC 31 – on the rule against reflective loss.
- *Skandinaviska Enskilda Banken AB v Conway* [2019] UKPC 36 – on fraudulent preferences through share redemption payments and remedies.

While at 11KBW, Philippe worked on a range of commercial employment (misuse of confidential information, bonus and commission), shareholder and LLP/partnership disputes under the supervision of Jane McCafferty QC. His recent article on negotiating damages in misuse of confidential information cases post-*One Step (Support) Ltd v Morris-Garner* [2018] UKSC 20 was published in the autumn 2020 edition of the *Edinburgh Law Review* – Volume 24, Issue 3.

Philippe is a member of COMBAR.

PUBLIC & REGULATORY

Philippe has experience acting both for and against central and local government public bodies and in regulatory disputes. Current instructions include:

- Work as junior counsel for the Infected Blood Inquiry on financial assistance schemes for victims of HIV/AIDS and Hepatitis C (led by Jenni Richards QC and Katie Scott).
- Acting for a law firm in a challenge to a regulatory decision by the Legal Ombudsman.
- Advising on a crowd-funded challenge in the special educational needs context (with Steve Broach).

He has a particular interest in procurement disputes. Recent experience includes acting for the Secretary of State for Health and Social Care in the High Court (TCC) in *Ai Diagnostics v UK Biocentre and others* (led by Katherine Apps and Rose Grogan). The case concerned the procurement of software for the Lighthouse Labs used for Covid-19 testing. It settled shortly before trial. He has also contributed to a series of articles and webinars on abandonment, variation and relaxation of procurement standards in light of Covid-19.

Other notable instructions include advising a local authority on its Covid-19 related response (with Marion Smith QC and Ruth Keating) and advising on a potential overseas malicious prosecution claim.

As a pupil at Chambers, Philippe was supervised by Colin Thomann and Andrew Tabachnik QC, assisting on public law and regulatory matters in the asylum, immigration, EU sanctions and environmental regulation context. At 11KBW, he was supervised by Joanne Clement. Notable work included research assistance on quantum in the *Bank Mellat A1P1 ECHR damages litigation* in the Commercial Court arising out of asset freezing orders against an Iranian bank. He also gained particular experience in information, data protection and equality rights issues.

While at the Supreme Court, Philippe assisted on notable appeals, including *R (Privacy International) v Investigatory Powers Tribunal* [2019] UKSC 22 which raised constitutional law issues as to the legality of a potential ouster of judicial review clause.

Philippe also has a sustained academic interest in public and human rights law, including during the BCL at the

University of Oxford. He has written a number of published articles in this field:

- “Reforming the Approach to Racial and Religious Hate Speech Under Article 10 of the European Convention on Human Rights” (OUP Human Rights Law Review, Volume 19, Issue 1, February 2019).
- “The Rebirth of the Common Law: Common Law Constitutional Rights and Legality” (Gray’s Inn Student Law Journal, Volume 8, 2017).
- “Rules and Discretion: Elevating the Status of Soft Law in the United Kingdom” (Washington Undergraduate Law Review, Volume VIII, Issue I, 2015).

Philippe is a member of the Administrative Law Bar Association (ALBA).

CIVIL LIABILITY & PROPERTY

Philippe regularly appears as sole counsel in personal injury and mixed civil Fast Track and Small Claims matters in the County Court. Hearings range from witness trials to interim applications, case management, quantum disposal and infant approval hearings. His main areas of practice are road traffic accident, occupiers’ liability and Highways Act claims. He acts both for major insurers and injured claimants, including on a CFA basis.

He has a particular interest in conflict of laws (private international law) issues in the personal injury context, including direct claims brought against insurers in the English courts for injuries sustained in accidents abroad. He has experience advising on jurisdiction, choice of law and consumer contracts issues, including in relation to the Package Travel and Linked Travel Arrangements Regulations 2018 and the ATOL Regulations 2012.

Relevant experience also includes acting in residential property disputes raising health and safety and landlord-tenant law issues, and in commercial lease disputes. Philippe has a growing property practice at the intersection of insurance, commercial and real property law.

While at the Supreme Court, Philippe assisted in the important appeal of *Vedanta Resources PLC v Lungowe* [2019] UKSC 20 which resolved complex jurisdiction issues in a mass tort claim brought by Zambian nationals against the UK-domiciled parent company of a mining corporation.

As a pupil in Chambers, Philippe was supervised by Emily Formby and Judith Ayling. He gained experience in clinical negligence and personal injury matters, for NHS Trusts, local authorities and insurers. He also regularly appeared in personal injury matters in the County Court.

Philippe is a member of the Personal Injuries Bar Association (PIBA).

EMPLOYMENT

Philippe has broad experience of the full range of statutory and commercial employment matters as a pupil at 11KBW and judicial assistant at the Supreme Court. Current instructions include acting as junior counsel in test claims against several police authorities in the High Court (QBD) concerning historic pay and leave entitlements under the Police Regulations (led by Martin Westgate QC and Sadie Crapper) and in *PGA European Tour v Kelly* (currently on appeal to the Court of Appeal, with David Mitchell).

He has a particular interest in misuse of confidential information cases and injunctive relief. His article on negotiating damages in such cases post-*One Step (Support) Ltd v Morris-Garner* [2018] UKSC 20 was published in the autumn 2020 edition of the *Edinburgh Law Review* – Volume 24, Issue 3.

While at the Supreme Court, Philippe assisted on significant appeals including:

- *Royal Mencap Society v Tomlinson-Blake* (pending) – on national minimum wage entitlements of home workers who are required to remain at home in their shift and of sleep-in residential care workers.
- *Egon Zehnder Ltd v Tillman* [2019] UKSC 32 – the leading case on restraint of trade and the doctrine of severance of unenforceable covenants in employment contracts.

As a pupil at 11KBW, Philippe was supervised by Jane McCafferty QC and Simon Forshaw. He gained broad experience in the following main areas:

- Commercial employment: post-termination restraints, misuse of confidential information, bonus claw-back provisions, commission entitlements, shareholder covenants, LLP rights and conflicts of laws.
- Statutory employment: discrimination, whistleblowing, victimisation, TUPE transfers, unfair dismissal, wrongful dismissal and worker status.

Notable cases as a pupil include *International Petroleum Limited v Osipov* [2019] IRLR 52 (CA) – the leading case on individual whistleblowing liability under the Employment Rights Act 1996.

Philippe is a member of the Employment Law Bar Association (ELBA).

QUALIFICATIONS

- 2017: Bar Professional Training Course, BPP University Law School, *Very Competent*
- 2016: Bachelor of Civil Law (BCL), University of Oxford, *Distinction*
- 2015: Bachelor of Laws (LL.B.), London School of Economics and Political Science, *First Class Honours* (1st in Year)

AWARDS, PRIZES & SCHOLARSHIPS

- Bedingfield Scholarship, Gray's Inn (2016): Highest BPTC tuition fee scholarship
- Ralph Chiles Prize, University of Oxford (2016): Best performance in BCL/MJur Comparative Human Rights
- Slaughter and May Prize I, LSE (2015): Best overall LL.B. degree
- Slaughter and May Prize II, LSE (2015): Best third year performance
- Sweet & Maxwell Law Prize, LSE (2015): Best performance in LL.B. examinations
- Lauterpacht/Higgins Prize, LSE (2015): Best performance in LL.B. Public International Law
- Old Square Chambers Prize, LSE (2015): Best performance in LL.B. Labour Law
- Lord Rodger Essay Prize, Statute Law Society (2013): Awarded for 6,000-word essay on section 3(1) of the Human Rights Act 1998
- Sweet & Maxwell Law Prize, LSE (2013): Best performance in first year LL.B. examinations

ADDITIONAL INFORMATION

PUBLICATIONS

- “Adjudications brought by insolvent companies – An exercise in (f)utility?” (2020) 31(8) *Construction Law* 24-26 (with Marion Smith QC and David Sawtell).
- “Negotiating damages after One Step: employment team move and misuse of confidential information cases” (Edinburgh Law Review, Volume 24, Issue 3, September 2020).
- “Reforming the Approach to Racial and Religious Hate Speech Under Article 10 of the European Convention on Human Rights” (OUP Human Rights Law Review, Volume 19, Issue 1, February 2019).
- “The Rebirth of the Common Law: Common Law Constitutional Rights and Legality” (Gray’s Inn Student Law Journal, Volume 8, 2017).
- “Rules and Discretion: Elevating the Status of Soft Law in the United Kingdom” (Washington Undergraduate Law Review, Volume VIII, Issue I, 2015).

MOOTING

- BPTC Year (2016/17): Semi-finalist in Gray’s Inn Moot Competition
- LSE Third Year (2014/15): Winner of Oxford Inter-Varsity Moot and Atkin Chambers Moot
- LSE Second Year (2013/14): Winner of APP Moot; Runner-up in Janes Criminal Law Moot
- LSE First Year (2012/13): Semi-finalist in Atkin Chambers Contract Law Moot

VOLUNTEERING

- October 2016 – July 2017: Workshop Leader, Schools Consent Project, London
- September 2014: Law Tutor, African Prisons Project (APP), Kampala, Uganda
- January – March 2013: Student Tutor, LSE Widening Participation Volunteering Scheme

INTERESTS

- Philippe enjoys volunteering in food kitchens around London and regularly dances salsa.
- He also has an interest in modern European, South Asian and African history.

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